Michael Navarre, et ux Petitioners

> * * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 41.7 ft., in lieu of the required 50 ft.; a variance to permit a side yard setback of 46 ft. on the north side of the lot, in lieu of the required 50 ft.; and to amend the First Amended Final Development Plan of Morgan Manor, Section 2, Lot No. 7 to allow projection of same outside of the building envelope, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available. there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore 21 day of December, 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 41.7 ft., in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a side yard setback of 46 ft. on the north side of the lot, in lieu of the required 50 ft.; and to amend the First Amended Final Development Plan of Morgan Manor, Section 2, Lot No. 7 to allow projection of same outside of the building envelope, all in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

ZONING DESCRIPTION FOR 8 WILLIAM COURT, SPARKS, MD 21152 93-159-A

Beginning at a point on the north side of William Court, which is 50 feet wide, at the distance of 337 feet more or less and west of the centerline of York Road, which is 66 feet wide. Being Lot # 7 in the subdivision of Morgan Manor, Section # 2, as recorded in Baltimore County Plat Book SM # 59, Folio 88, containing 1.1377 acres. Also known as 8 William Court and located in the 2nd Election District of Baltimore County.

93-159-1

District 9th	Men erre
Posted for:	**************************************
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Location of property: W/S (8) Will	line Court, 337 34/ fort Re
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Remarks:	
Posted by Milledge	Date of return: 17/4/92_

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 18, 199

Mr. and Mrs. Michael J. Navarre 8 William Court Sparks, Maryland 21152

> RE: Petition for Administrative Variance Case No. 93-159-A 8 William Court

Dear Mr. and Mrs. Navarre:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmid Zoning Commissioner

LES:mm

Date 11-13-92

Grænhorne & D'Mora INC.

Sparks Md 21152

for Novame Frogerty

cc: Jesse D. Delanoy, Esquire Offit and Kurman, P.A. 8 Park Center Court Owings Mills, Maryland 21117

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 8 William Court, Sparks, MD 21152 which is presently sened RC-5

This Petition shall be filed with the Office of Zenting Administration & Development Management.

The undersigned, legal owner(s) of the property eliusie in Beltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 to permit a front yard setback of 41.7 feet in lieu of the required 50 feet and a side yard setback on the north side of the lot of 46 feet in lieu of the required 50 feet and to amend the fist amended final development plan of Morgan Manor, Section 2, Lot#7 to allow projection of same outside the building envelope. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

prectical difficulty) Contractor constructed house on lot, in violation of the 50 foot front and side setback requirements, in violation of originally issued Building Permit and allegedly in breach of contract. House is now complete, and cannot be relocated without substantially demolishing and rebuilding.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Patition Legal Owner(s)
(Type or Print Name)	MICHAEL J. NAVARRE
Signature /	Michael Mum
Address	PEGGY L. NAVARRE
City State Zipcode Attorney Jof Petitioner	Leggy L. Maverre
Jesse D. Delanoy	8 William Court Address Phone No Sparks, Maryland 21152
Offit & Kurman, P.A.	Sparks, Maryland 21152 City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
8 Park Center Court (410) 356-0600 Address Phone No	MICHAEL J. NAVARRE
Owings Mills MD 21117 City State Zipcode	8 William Court (410) 771-7839 (office) Address Sparks, MD 21152

that the subject matter of this petition be set for a public hearing , advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

> Zoning Commissioner of Baltimore County ITEM #: 177

> > Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

December 2, 1992

(410) 887-3353

Jesse D. Delanoy, Esquire Offit & Kurman, P.A. 8 Park Center Court Owings Mills, MD 21117

RE: Case No. 93-159-A, Item No. 172 Petitioner: Michael J. Navarre, et ux Petition for Administrative Variance

Dear Mr.Delanoy:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

11/13/92 PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 080 POSTING SIGNS / ADVERTISING 1 LAST MAME OF OWNER: NAVARRE

Residential (Admin) Veriance 50 00

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Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) in/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 8 William Court

Sparks Maryland That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

Without knowledge or permission of Petitioners, and in violation of the original Building Permit, the contractor built the residence in violation of the setback requirements on the north and east sides of the lot. The house is complete and cannot be relocated in compliance with the setbacks without substantially demolishing and rebuilding the house at great expense. The relief requested is the minimum which can provide substantial relief, and will not adversely affect the public safety and welfare, nor materially affect the rights of neighboring property owners.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HERFBY CERTIFY, this ______ day of _____October_ of Maryland, in and for the County aforesaid, personally appeared _____, 19<u>92</u>, before me, a Notary Public of the State

Michael J. Navarre and Peggy L. Navarre the Affiants(s) herein, personally known or satisfactorily identified to my as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his her/their knowledge and belief.

Oct. 22, 1997

AS WITNESS my hand and Notarial Scal.

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

13th day of November 1992.

DIRECTOR

Zoning Plans Advisory Committee

Petitioner: Michael J. Navarre, et ux Petitioner's Attorney: Jesse D. Delanoy

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Authorized signature Disc. G. Ker		Date
File Number Waiver Number	Zoning Issue	Meeting Date
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Goldenwood Associates		
DED DEPRM RP STP TE	175	NC
Salvo Road Limited Partnership		
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Ronald R. and Janet Lee Gaspari		
DED DEPRM RP STP TE	178	NC
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COUNT 11		•
Richard M. Diotte		
DED DEPRM RP	155	11-9-92

Development Review Compittee Respon Authorized signature Disco G. Ko	(Public Services) se Form	11/30/98
Project Name		
File Number Waiver Number	Zoning Issue	Meeting Date
Gregg and Joyce Kroeger		
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DED DEPRM RP STP TE	165	Comment
/ Roscoe Phipps		**=========
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American Legion Dept. of MD		
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Cecelia Escalante	=======================================	=======================================
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Michael J. and Peggy L. Navarre		=======================================
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Clinton and Erika Routh	=======================================	=======================================
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Goldenwood Associates		
DED DEPRM RP STP TE	175	NC
Salvo Road Limited Partnership	======================================	
DED DEPRM RP STP TE	177	Comment.

SHA	Maryland Department of Transportation State Highway Administration
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O. James Lighthizer Hal Kassoff

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions.

Very truly yours, David A Ramsy 11/19/92

707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Item No.: \$172 (JJ5) Ms. Julie Winiarski Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Dear Ms. Winiarski: Thank you for the opportunity to review this item.

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

DECEMBER 1, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: MICHAEL J. NAVARRE AND PEGGY L. NAVARRE

Location: #8 WILLIAM COURT

Item No.:* 172 (JJS) Zoning Agenda: NOVEMBER 23, 1992

Special Inspection Division

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau

JP/KEK

Baltimore County Government Office of Zoning Administration and Development Management

BALTIHORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 24, 1992

Arnold Jablon, Director

Ervin Mc Daniel, Chief

Gregg and Joyce Kroeger, Item No. 164

Clinton and Erika Routh, Item No. 174

Ronald and Janet Gaspari, Item No. 178

EMcD/FM:rdn

164.ZAC/ZAC1

Michael and Peggy Navarre, Item No. 172

Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petitions:

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Development Review Section

(November 23, 1992)

Zoning Administration and Development Management

Movember 23, 1992

(410) 887-3353

Michael and Peggy Navarre 8 William Court Sparks, Haryland 21152

Re: CASE NUMBER: 93-159-A LOCATION: W/S William Court, 337' SW of c/l York Road 8 William Court 8th Election District - 3rd Councilmanic

111 West Chesapeake Avenue

Towson, MD 21204

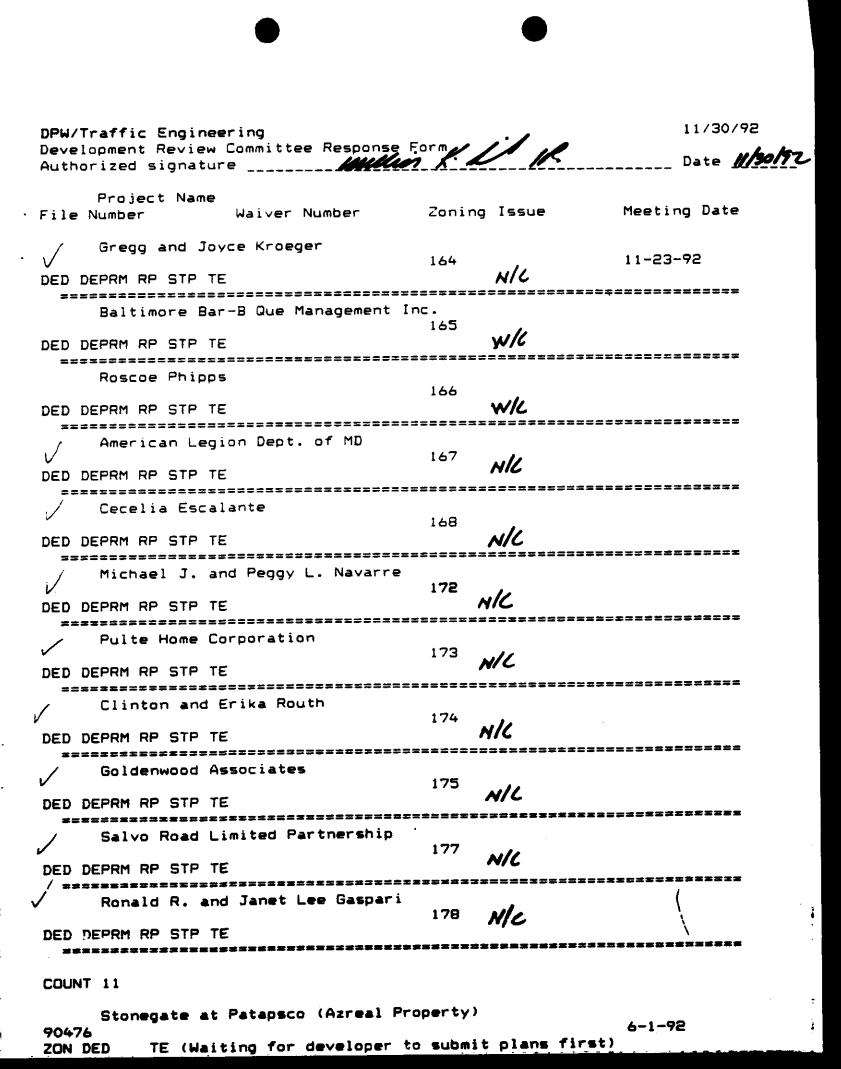
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 29, 1992. The closing date (December 14, 1992) is the deadline for a neighbor to file a formal request for a public hearing. After the closing data, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



Department of Environmental Protection & Resource Management 11/30/92

Development Review Committee Response Form Authorized signature ______ Date //-30-92 11/30/92 Project Name · File Number Waiver Number Zoning Issue Meeting Date Roscoe Phipps 11-23-92 DED DEPRM RP STP TE American I notes Dest. 5 100 CE 35 American Legion Dept. of MD IN PROCESS DED DEPRM RP STP TE DED DEPRM RP STP TE NO COMMENZ Michael J. and Peggy L. Navarre NO COMMENTS DED DEPRM RP STP TE Pulte Home Corporation DED DEPRM RP STP TE IN PROCESS Clinton and Erika Routh DED DEPRM RP STP TE IN PROCESS Goldenwood Associates DED DEPRM RP STP TE IN PROCESS Salvo Road Limited Partnership DED DEPRM RP STP TE IN PLACESS Ronald R. and Janet Lee Gaspari NO COMMENTS COUNT 11 John P. and Brenda J. Morgan NO COMMENTS Richard M. Diotte 155 DED DEPRM RP IN PROCESS

